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Refugee Reports

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UNITED STATES WILL ADMIT UP TO 94,000 REFUGEES IN 1989

In an effort to meet expanding refugee assistance and resettlement needs with limited resources, President Reagan has authorized the admission of up to 94,000 refugees in FY 89, 10,000 of whom would enter the country with either partial or no funding from the government. This marks the third consecutive year that U.S. refugee admissions ceilings have increased (see chart on back page). Government officials estimate that between 75,500 and 76,500 refugees were admitted in FY 88, out of a worldwide ceiling of 83,500.

The worldwide figure for FY 89, which is substantially larger than the Administration had proposed early in the year, was made possible when Congress passed two budget appropriations bills in September, giving the federal government nearly $800 million for overseas refugee assistance, admissions, and domestic resettlement.

The worldwide ceiling, with a region-by-region breakdown, was presented by Secretary of State George Shultz and other Administration representatives at consultations with the Senate Judiciary Committee on September 13. Another Administration panel led by Ambassador Jonathan Moore, the U.S. Coordinator for Refugee Affairs, met with the House Judiciary Committee two days later.

The increased numbers drew fire from Sen. Alan K. Simpson (R-Wyo.), ranking minority member of the Senate Immigration and Refugee Affairs Subcomittee. He criticized the Administration for "nearly doubling the normal yearly flow" in "this non-emergency time." He predicted that higher numbers this fiscal year would "subject the government to great criticism if we seem to be falling behind" next year when the numbers--of Amerasians, in particular--would be less.

Simpson told Shultz that the Administration should not bypass emergency consultations in the event more refugee admissions are needed than initially anticipated. "The annual consultations are for normal times," he said. "I don't want us to forget that in this sacred ritual."

The largest regional increase is in Southeast Asia, where the admissions ceiling will grow from 38,000 to

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53,000, as the Orderly Departure Program (ODP)--bringing Vietnamese refugees and Amerasians directly to the United States--will nearly triple in size.

Largest Increase for Vietnamese Refugees

"There are four significant objectives of our admissions policy," said the Secretary of State. "First, each year..., refugees who face perilous protection problems...are resettled quickly and quietly." Admission of political prisoners exemplifies this objective, said Shultz.

U.S. resettlement also "encourages other nations to maintain responsible policies of first asylum," honors commitments to those with family and other ties to the United States, and promotes safe and orderly migration through direct departure programs, Shultz said.

In raising the annual refugee ceiling for ODP from 8,500 to 25,000, Shultz said, "An expanding ODP is vital as an alternative to boat departures, and is a vital part of our strategy" in Southeast Asia.

The larger ODP number allows for the admission of 12,000 Vietnamese refugees and 13,000 Amerasians, Shultz said, and "also provides for several thousand former re-education camp detainees and their accompanying relatives, to whom, after six years of negotiations, we hope to start gaining access in the coming fiscal year."

In the fitful manner that has often characterized U.S.-Vietnamese relations on ODP, the two countries appeared to have reached a preliminary agreement in July to allow the emigration of up to 50,000 former political prisoners and their families. But in August, Vietnam announced a "temporary suspension" of that agreement and, according to a State Department official, have not yet signalled an interest in resuming discussions. Since 1984, only about 1,600 former prisoners and family members have resettled in the United States through ODP.

Passage of the Amerasian Homecoming Act in December 1987 provided for the admission of an unlimited number of Amerasians between March 1988 and March 1990, who enter the country with immigrant status, but full refugee benefits. A report to the Congress from the U.S. Coordinator for Refugee Affairs justified inclusion of Amerasian immigrant numbers in the refugee ceiling because "they continue to be funded from the refugee budget."

Administration Backs Resettlement, Supports "Legitimate" Screening to Reduce Flow

Shultz expressed hope that Vietnamese boat departures, which climbed to 48,000 in the first 11 months of FY 88, more than double the rate for the previous year, would decline with increased opportunity for legal migration, but he said that "there will continue to be clandestine emigration.... A comprehensive solution to reduce this flow depends in part on the effective operation of legitimate national screening of asylum seekers, monitored by the UNHCR [UN High Commissioner for Refugees]. Such programs must ensure that bona fide refugees are recognized and given first asylum. Refugees should have the opportunity to apply for resettlement, and those determined not to be refugees should be cared for until they can return safely to their homes."

On June 16, the Hong Kong government instituted a controversial new screening policy in an effort to stem the flow of Vietnamese boat people, which, in one year, has increased the island colony's refugee population from 8,000 to over 23,000. Under the policy, all new arrivals are declared illegal immigrants, subject to repatriation unless they can establish to the satisfaction of an immigration officer that they face a well-founded fear of persecution in Vietnam (see Update).

"The United States has by far the strongest resettlement commitment to Indochinese refugees" of any country in the world, said Shultz, and promised that such a commitment would continue. The 28,000 numbers for resettlement of Cambodians, Laotians, and Vietnamese in Southeast Asian first asylum countries "responds to the currently high number of Vietnamese boat people in camps...and puts us in a position to admit some additional longstayers," said Shultz.

As of August, there were 153,000 refugees in Southeast Asian first asylum camps, as many as half of whom have been there for three years or more.

Large Outflows in Soviet Union/Eastern Europe Create "Crisis of Success" Having long promoted free emigration from the Soviet Union and Eastern Europe, the United States now faces what one voluntary agency

official has termed a "crisis of success," as liberalized migration policies in many of the Eastern Bloc countries have contributed to near-record outflows in 1987 and 1988, and the U.S. government struggles to accommodate them.

Only 1,854 people left the Soviet Union in 1986, according to State Department figures, but in 1987 the number climbed to 25,745. And in the first six months of 1988, close to 29,000 people--comprising ethnic Germans, Armenians, and Jews--left the Soviet Union. Refugee flows from Poland, Hungary and Czechoslovakia into Western Europe have also risen substantially.

In May, President Reagan authorized that the FY 88 regional refugee ceiling for the Soviet Union and Eastern Europe be doubled from 15,000 to 30,000 to respond to the unexpected outflows. The FY 89 ceiling for the region is 24,500.

Administration Makes Changes in Soviet Refugee Processing The prospect of increased migration from the Soviet Union gives rise to two "fundamental issues," said Shultz. The first, he said, is "budgetary--in a time of severely constrained budgets, how do we ensure that we will have adequate resources to support an unexpected outflow of emigrants from the Soviet Union without damaging other critical foreign policy programs?"

Although the FY 88 worldwide refugee ceiling jumped from 68,500 to 83,000 in May, no supplemental funding for these emergency admissions was appropriated until late August. The government relied on what one official report called "cost cutting and cost avoidance measures" to admit the first 10,000 additional refugees, principally Armenians from the Soviet Union.

One of the cost-cutting measures instituted by the State Department was to reduce for the remainder of the fiscal year the reception and placement (R&P) grants paid to voluntary agencies for initial resettlement costs. From July 1 to September 30, the agencies were told, R&P grants would be reduced from $560 to $300 for the resettlement of refugees from the Soviet Union and Eastern Europe.

But on July 4, the Department of State abruptly suspended refugee processing at the U.S. embassy in Moscow, citing a lack of funds for the remainder of the fiscal year. The move left more than 3,000 Armenians in limbo inside the Soviet Union, many of whom had already given up jobs and sold possessions on the expectation that their departure to the United States was imminent (see Refugee Reports, Vol. IX, No. 7).

That incident touched off the harshest exchanges of the congressional consultations when Rep. Barney Frank (D-Mass.) at the House consultations on September 15 took U.S. Refugee Coordinator Ambassador Jonathan Moore to task for the "appalling spectacle" of "at risk" Armenians on the streets of Moscow "told to come back the next fiscal year."

Moore agreed that it was "a horrendous problem," but said that the Administration did not want to request supplemental funding to admit them as part of the efforts to reduce the national deficit. He said that all of the Armenians who had been told to come to Moscow for their final interviews would get out, through humanitarian parole, if necessary, but that "basically, it is a question of time and delay. Some of them will be delayed. All of them are going to come in who are eligible. We delay refugees from coming into this country from every area of the world every year."

Frank replied that in the case of the Soviet Union, delay could mean denial. "Don't ever let this happen again without at least coming to us," he said. "I cannot believe that we could not have found the relatively small amount of money to have avoided what was an enormous embarrassment and a terrible, terrible mistake from the standpoint of humane policy."

Moore defended the Administration record, calling it "a remarkable success story." He said, "We found ways to bring in 10,000 of those 12,000 additional Armenian numbers all by ourselves by scraping the bottom of the barrel, by using numbers that were unused despite our best processing efforts in other areas of the world, by cutting costs elsewhere in the refugee budget, and by reducing services."

Limited processing from the Soviet Union resumed later in July, and an additional 400 people departed for the United States with virtually full refugee funding. According to Don Krumm, a State Department official in the Bureau for Refugee Programs, another 1,600 Armenians were admitted in August and

REFUGEE APPROPRIATIONS FOR FY 89

For the first time since 1976, Congress passed all 13 appropriations bills before the start of the new fiscal year, thereby avoiding the need for a continuing resolution. The two bills to include refugee funding, Foreign Operations (PL 100-461) and Labor/HHS/Education (PL 100-436), provide $794,306,000 for refugee assistance overseas, admissions, and domestic resettlement assistance. The total is $175,423,000 more than the Administration requested. In a conference report accompanying the foreign operations appropriations bill, Congress scolded the Administration for its "inaccurate and unrealistic methods used in determining the budget request for migration and refugee assistance" and said that it expected future budget requests" to reflect not only known requirements, but realistic assumptions on anticipated refugee needs."

FY 89 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

REFUGEE AND ENTRANT ASSISTANCE	FY 89 BUDGET REQUEST	FINAL APPROPRIATION
Cash and Medical Assistance	203,758,000	261,820,000
Social Services	30,000,000	64,906,000
Voluntary Agency Program	7,659,000	15,808,000
Preventive Health	3,000,000	5,770,000
Targeted Assistance	34,466,000	34,052,000
TOTAL	278,883,000	382,356,000[a]

[a] This figure represents the initial Senate/House Conference amount of $387 million, reduced by the "Gramm-Rudman-Hollings" percentage of 1.2%.

MIGRATION AND REFUGEE ASSISTANCE	FY 89 BUDGET REQUEST	FINAL APPROPRIATION
Refugee admissions to the United States:		
Refugee processing abroad	$ 30,240,000	
Transportation	33,700,000	
Reception and placement grants	35,960,000	
Training and orientation	15,500,000	
Subtotal	115,400,000	
Indochinese Refugee Program:		
UNHCR program in Southeast Asia (includes ODP)	15,000,000	
Antipiracy/Rescue at Sea Program	1,000,000	
Khmer relief	12,300,000	
Subtotal	28,300,000	
African Refugee Program:		
Contributions to international orgranizations	62,500,000	
Special projects	1,500,000	
Subtotal	64,000,000	

(continued on next page)

	FY 89 BUDGET REQUEST	FINAL APPROPRIATION
Near East Program:		
Relief for Afghan refugees	22,000,000	
United Nations Relief and Works Agency	67,000,000	
Subtotal	89,000,000	
Latin American Program	15,800,000	
Refugees to Israel	10,000,000	
International organizations:		
Intergovernmental Committee for Migration	6,000,000	
International Committee of the Red Cross	3,500,000	
Subtotal	9,500,000	
Administrative Expenses	8,000,000	
TOTAL	340,000,000	361,950,000[b]

[b] The foreign operations appropriations bill includes no line-item breakdown, but it does include nine separate earmarks listed below. A $23,500,000 earmark to go for domestic resettlement assistance was removed.

$140,000,000	for the refugee admissions program; within this amount $46,000,000 is earmarked for admissions of first asylum refugees from East Asia and $15,000,000 is earmarked for Vietnamese Amerasians and family members.
$ 1,500,000	for a Thailand-Cambodian border refugee protection program.
$ 1,500,000	for the anti-piracy program in Southeast Asia "none of which funds may be used by any government to deny asylum to individuals seeking asylum."
$ 1,500,000	for a Thailand border refugee education program.
$ 20,000,000	to be made available to UNHCR for assistance for Afghan refugees.
$ 28,000,000	for Soviet, Eastern European and other refugees resettling in Israel.
$ 8,000,000	for administrative expenses of the Bureau for Refugee Programs of the Department of State.

EMERGENCY REFUGEE AND MIGRATION ASSISTANCE (ERMA)	FY 89 BUDGET REQUEST	FINAL APPROPRIATION
	.....	50,000,000[c]

[c] The Administration did not request any replenishment of the ERMA fund for FY 89. Congress appropriated $50,000,000 and earmarked $23,000,000 for Afghan refugee "to be administered by the cross-border humanitarian assistance program."

September through a "private sector plan." Under this plan, Armenian sponsors in the United States were obliged to pay all travel costs from the Soviet Union, but the newly arriving refugees are eligible for domestic resettlement services funded by the Office of Refugee Resettlement (ORR).

The State Department had also temporarily suspended the payment of even reduced R&P grants to the voluntary agencies for resettlement of the private admissions cases. But on September 22, Linas Kojelis, deputy assistant secretary for refugee admissions, wrote to the agencies that, since the President had just authorized use of $6 million in emergency supplemental funds for refugee admissions, "we are now able to use a portion of the emergency funds to restore the program to the status quo of July 1, 1988."

"SP-6,000" Cases Will Not Receive Travel Loans or R&P Grants, Officials Say Kojelis noted that, while reception and placement grants would be available retroactively for Soviet cases resettled between July 1 and September 30, any travel expenses paid by the refugees or by private parties would not be reimbursed. For those refugees processed directly from Moscow in FY 89, Kojelis added, "we will continue to encourage private parties to pre-purchase tickets where they have the means to do so."

To reduce federal costs for refugee admissions in FY 89, the Administration is authorized to admit up to 6,000 refugees from anywhere in the world, who would enter the country without travel loans or R&P grants. These "semi-private" cases, or "SP-6,000", as one State Department official called them, would be eligible for all ORR services along with other refugees.

While it is likely that the SP-6,000 cases will include some number of Armenians, Krumm told Refugee Reports, "We are trying to craft a worldwide program, and are making no assumptions about who this will include." He mentioned Eastern Europeans and Iranians as two groups who might use the semi-private admissions category.

"Before we do anything" on this initiative, said Krumm, "we are going to have a full round of discussions with the voluntary agencies and with Congress."

"The issue of private or semi-private refugee admissions is a complex one," said Gary Rubin, program director of the American Jewish Committee. "It can be a legitimate tool to admit additional people and leverage private funding," Rubin told Refugee Reports, "but there is also a danger of undermining the integrity of the refugee program, if it is seen simply as a way for rich communities to buy refugees into the country. Both the potential gains and the losses are very big."

Administration Says Not Everyone Leaving the Soviet Union Is a Refugee Besides budgetary concerns, the other "fundamental" issue raised by increased migration from the Soviet Union, according to Shultz, is "legal--can all Soviet migrants be admitted under the refugee provisions of the Immigration and Nationality Act?" U.S. refugee law, as amended in 1980, requires that a person be able to demonstrate a "well-founded fear of persecution," in order to qualify for admission as a refugee.

Simpson told Shultz, "The American people will respond always to a true refugee, but not to a gimmick refugee." He characterized the Armenians as "middle class," and said, "it is very difficult to define them as refugees."

The Immigration and Naturalization Service (INS) clearly leans towards Simpson's view. "We must recognize that some of those wishing to depart the Soviet Union are not refugees," said INS Commissioner Alan Nelson in his written testimony before Congress. Some, he said, "are, rather, prospective immigrants, and as such, they should enter this country according to the requirements of our own immigration laws."

Rep. Peter W. Rodino, Jr. (D-N.J.), chairman of the House Judiciary Committee, warned, "There are some restrictionists who believe that we should simply define refugees out of existence."

Rodino said that even if one concedes that persons are being admitted as refugees who do not qualify under the definition, "then we should endeavor to provide a mechanism that will set forth clearly the criteria and rules governing their admission."

Nelson laid out a course of action, involving short, medium, and longer term changes needed to promote "continuing support for the entry of qualified Soviet emigres into the United States." In August, the INS sent immigration officials directly

to Moscow to screen and process refugee applicants. Prior to that, refugee determinations were made only after emigres had arrived in Rome, where it was virtually impossible to reject anyone, given what Shultz called "an implicit commitment to Italy that all such persons would be admitted to the U.S."

A government source told Refugee Reports that U.S. officials in Moscow had interviewed about 2,700 people since August, primarily Armenians, and approved more than 90 percent as refugees. "Those found ineligible for refugee status, but whose admission to the United States is deemed to be in the national interest," said Nelson, will enter through "public interest parole," a discretionary status granted by the Attorney General. Parolees, or their sponsors in the United States, will be expected to cover all costs for their admission and resettlement.

In the medium term," said Nelson, "a process is being formulated to allow for official U.S. government screening of an applicant's eligibility for refugee and/or immigrant status before these intending emigres approach Soviet authorities for exit permission."

Currently, prospective immigrants to the United States "have completed the process of checking out of the Soviet Union" before they are even seen by U.S. officials, he said. This means, generally, that, once people are given permission to leave, they resign their jobs, give up housing, sell their possessions, and exchange identity papers for passports, all on the assumption that the United States would admit them. Nelson would like that order reversed. "We must remember that while the right to emigrate is a right guaranteed by the Universal Declaration of Human Rights," he said, "there is no corollary right of the immigrant's entry in, for instance, the United States."

In the longer term, Nelson called for new legislation that would establish a "special interest immigrant category", in order to accommodate flows of people in the future like the Armenians, who do not all fit into either refugee or immigrant categories.

"We have great concern with the movement toward individual refugee determinations" in the Soviet Union, Rubin told Refugee Reports. "First of all, we have seen in Southeast Asia that INS can do this badly. And second, we are convinced that the correct description for what Jews experience in the Soviet Union is persecution and the correct category for them is refugee."

Administration Reiterates Support for "Freedom of Choice" for Soviet Jews Shultz responded to questions from Sen. Charles E. Grassley (R-Iowa) about the Aministration's view on attempts by Israel to compel emigrating Soviet Jews to fly directly to Israel. "If they wish to go to Israel, I'm all for that," said Shultz, "but the fundamental principle of freedom of choice we have to affirm."

Shultz traced the problem to Soviet restrictions on emigration. "We would like to see the Soviets say if a human wants to emigrate, he can leave with no other criteria. Then we could change the situation as far as the recipient country is concerned."

Shultz wouldn't directly criticize the Israeli efforts, but did raise a chuckle when he said, "The Israelis are not against freedom of choice, they just want to rig the system a little bit."

Numbers for Near East/South Asia Drop Citing the prospects for Afghan repatriation and an end to the eight-year long Iran-Iraq conflict, the Administration has reduced the regional admissions ceiling for the Near East/South Asia from 9,000 in FY 88 to 7,000 in FY 89.

"We expect to need fewer [admissions] numbers," Shultz said, "because conditions are beginning to stabilize in Afghanistan, making it possible for many Afghans to return to their homeland." Congress has earmarked $43 million in refugee assistance funds to support repatriation efforts in FY 89. Since 1979, the U.S. government reports it has spent over $600 million to assist the three million Afghan refugees in Pakistan, the largest refugee population in the world. Another two million Afghans are in Iran.

About 2,600 Afghans have resettled in the United States in each of the last five years, according to a report from the U.S. Coordinator for Refugee Affairs. Afghan admissions in FY 88 dropped to about 2,200, and will fall to about 2,000 in FY 89, the report said.

While Shultz said he hoped that an end to the Iran-Iraq conflict "may lead to fewer applicants," the Coordinator's report acknowledged that "Iranians continue to apply for U.S. admission in record numbers." The majority are persecuted religious minorities--Zoroastrians, Baha'is, Christians, and Jews. Iranian admissions were above 6,000 per year in FY 87 and 88.

"We are strongly opposed to any reduction in this ceiling" for the Near East/South Asia, said Ross Vartian, chairman of the Armenian Refugee Coordinating Committee, in a statement submitted for the congressional refugee consultations. "In the emphasis on Soviet Armenian emigration," Vartian said, "U.S. refugee policy and programs have overlooked the needs of Armenian refugees who have been forced to flee their native countries on account of persecution as an ethnic and religious minority."

Vartian said that "even conservative estimates" identify 10,000 to 15,000 Armenians of Iranian and Turkish nationality living in asylum in Western Europe and South Asia. Several thousand Iranian Armenians are facing "long delays" in admissions processing, Vartian said, while "Turkish Armenians have not thus far even been considered to be refugees under U.S. processing criteria."

600 Cubans Enter Under Private Sector Initiative For Latin America and the Caribbean, the U.S. government has proposed an FY 89 admissions ceiling of 3,500, the same as for last year. With resumption of U.S.-Cuba migration agreements in November 1987, political prisoners and their family members will be admitted in the coming year. The remaining numbers will be used for "Central American refugees with close ties to the United States for whom no other options are available," according to a State Department report.

With September arrivals not fully tabulated, the government estimates that about 2,800 refugees will be admitted from the region in FY 88, including 2,500 Cubans and 300 Central Americans. As of the end of August, 202 Nicaraguans and 15 Salvadorans had been admitted for resettlement. "The Central American refugee situation has been alleviated somewhat," said Shultz, "by the voluntary repatriation of more than 6,700 Salvadoran refugees from camps in Honduras."

Rodino criticized the Administration's refugee admissions policy with respect to Central Americans, expressing his concern that "the intent of the Refugee Act in eliminating ideological considerations from our refugee admissions program has not been fully carried out." Rodino said that the Administration had not done enough to respond to the refugee problem in Central America, and said that the United States has lagged behind other traditional resettlement countries, such as Australia and Canada, in responding to Central American refugees in need of resettlement.

In the first use of the government's private sector admissions numbers, on September 11, 684 Cubans entered the country, sponsored by the Cuban American National Foundation (see Refugee Reports, Vol. IX, No. 8). Since the beginning of FY 87, 4,000 numbers have been authorized each year for the admission of refugees without federal funding.

African Admissions Ceiling Is Cut by One-Third The African continent was the site of some of the most dramatic refugee movements in 1988. On the positive side of the ledger, more than 80,000 Ugandans returned home from the Sudan in the first six months of the year, leaving only a few thousand Ugandans in exile. The voluntary repatriation of Chadian refugees from the Central African Republic and the Sudan also continued in 1988.

But for every African refugee who went home in the last year, dozens of new refugees were crossing borders in search of asylum: 300,000 Sudanese refugees in Ethiopia, fleeing civil war in southern Sudan; 350,000 Somalians in Ethiopia; and hundreds of thousands of Mozambicans in Malawi.

"Because of the generous asylum policies found throughout Africa," said the U.S. Refugee Coordinator's report, "few refugees require resettlement outside the region." Since 1980, 18,000 African refugees, primarily Ethiopians, have been admitted to the United States. Generally, U.S. admissions policies in Africa favor political dissidents and urban refugees who cannot easily assimilate in asylum countries.

The FY 89 regional ceiling for Africa is 2,000, a 33 percent reduction from the FY 88

ceiling of 3,000. "The continued economic crisis and political oppression in Ethiopia will account for the largest group of refugees from any single African country," said the report, followed by refugees from southern Africa.

Generous asylum policies in Africa are not the only factor that keeps regional admissions numbers down. "The fact that 2,000 is, admittedly, a relatively low figure," said Shultz, "reflects the practical reality that we have difficulty arranging for efficient movements of approved Ethiopian refugees from Sudan." Now that an INS officer has been stationed full-time in Nairobi, access should improve, said Shultz.

"It's not enough to shift the burden of the African continent to one INS officer, however talented," Roger Winter, director of the U.S Committee for Refugees, told Refugee Reports. "The entire network of U.S. embassies needs to be brought into this process."

Winter called for INS and the Department of State to implement a strategy to seek out individuals truly in need of resettlement from throughout the continent. Noting that only about half of the FY 88 numbers for Africa were used, Winter said that until such a cooperative effort is implemented, "African refugee resettlement will remain too restricted numerically and confined largely to a single nationality, Ethiopians."

Update

° Correctional officers in Hong Kong's Hei Ling Chau refugee camp used "unnecessary force" when they beat and kicked Vietnamese refugees following a disturbance in Hong Kong's Hei Ling Chau refugee camp on July 19, according to a report commissioned by Hong Kong's governor. The report also criticized medical officers who examined 100 of the refugees involved for filing injury reports that "fail to reflect adequately the nature and extent of the injuries found and that...do not give any reliable picture of the number of persons who had signs of injury on that day."

On the evening of July 16, a number of Vietnamese in the camp dining hall refused to eat, protesting that the portions were too small. "The situation then deteriorated," the report said, and some of the people began "acting violently"--shouting, breaking windows, lighting fires, and throwing things. Two security officers received minor injuries, the report said.

Several factors contributed to the disturbance, in addition to complaints about food rations, the report said. Many of the refugees were "extremely anxious and resentful because their status had been redefined to that of illegal immigrant. On June 16, the Hong Kong government announced that all new arrivals would be considered illegal immigrants subject to detention and deportation, unless they could establish to the satisfaction of an immigration officer that they were refugees.

The report also said that severe overcrowding in the camp, language barriers created by the absence of interpreters, and a violent rainstorm on the night of July 18, contributed to the tension and unrest.

Disturbances continued on the morning of July 19, and a "tactical response squad" moved in to assist the correctional officers in transferring about 100 "troublemakers and ringleaders," as the report called them, to another facility. It was during this roundup and transfer, according to the report, that the beatings occurred.

Commenting on the report, a Hong Kong government spokesman said, "Clearly there were some lapses of discipline amongst Correctional Services Department officers, and if the high reputation which the department enjoys is to be sustained, action should be taken against those responsible."

The report also noted that many of the refugees in Hei Ling Chau had all of their possessions taken from them by correction officers and thrown away. "To the Vietnamese boat people," said the report, "the most valuable objects in their possession were their papers on which were written addresses of relatives overseas, or records of one sort or another. To have lost these is to have lost their main hope of obtaining placement in another country, and is a very bitter blow indeed."

° Soviet citizens seeking to emigrate will no longer have to receive letters of invitation from close family relatives abroad, according to new regulations being drafted in the Soviet Union. The New York Times reported on September 29 that the draft

revisions would also establish a cutoff point for denying Soviet citizens exit permission on the ground that they had previous access to classified information. If the changes go into effect, exit permits will not be denied on security grounds if the would-be emigre has not had access to state secrets for a certain period of time.

Since the beginning of 1988, Soviet regulations have accepted applications for emigration only from those with letters of invitation from close family members abroad, such as spouses, siblings, children, or parents. In practice, the Soviet authorities have been relatively lax in the requirement of invitations from certain ethnic groups, in particular ethnic Germans bound for West Germany, Jews with invitations from Israel, and Armenians. If the new regulations go into effect, it could become easier for other ethnic and religious groups, such as Pentecostals, to exit the country.

The regulations would also probably allow more Soviet Jews to receive permission to emigrate directly to the United States. In fact, the draft regulations could be a Soviet response in part to the controversy surrounding the destination of emigrating Soviet Jews, an ever-increasing percentage of whom opt to enter the United States as refugees rather than continue on to Israel.

Israel has been attempting to prevent the "drop out" phenomenon from occurring by requiring those with visas to Israel to travel there directly, which many in the American Jewish community would support if Soviet Jews were allowed to make a genuine choice at the outset about their preferred country of destination (see Refugee Reports, Vol. IX, No. 7).

Another draft change from current procedure would allow judicial review for a child whose parent refuses to give permission to emigrate.

American officials were told of these developments in mid-September during discussions on human rights issues preparatory to meetings between Soviet Foreign Minister Eduard A. Shevardnadze and President Reagan and other top American officials.

° The federal Board of Immigration Appeals (BIA) has ruled that immigration judges are not precluded from granting asylum to aliens who have been convicted of particularly serious crimes, although it stated that the nature and gravity of the conviction would mitigate against a grant of asylum, and in many cases could be the determining factor.

In Matter of Gonzalez the BIA said that "an immigration judge should not refuse to conduct a full evidentiary hearing and consider the evidence of record in its totality."

The Immigration and Naturalization Service (INS) proposed to revise asylum procedures last July by allowing immigration judges to limit the scope of evidentiary hearings for asylum seekers who had been convicted of serious crimes (see Refugee Reports, Vol. IX, No. 8).

° The government of Honduras has begun to expel refugees from Nicaragua in apparent violation of a 1987 memorandum of understanding with the UN High Commissioner for Refugees (UNHCR), according to an October 9 Washington Post report. Up to 300 Nicaraguans have been forced to return through the mined border area.

The Washington Post cited Nicaraguan sources as saying that some of the expellees had been jailed and others conscripted into the Sandinista army upon their return.

° On September 27, a class action lawsuit was filed in federal district court in Manhattan charging that the Attorney General, the INS Commissioner, and local immigration officials unlawfully delayed and denied claims of Haitians in New York who have applied to adjust their status to that of permanent residents under the Cuban-Haitian adjustment provision of the Immigration Reform and Control Act (IRCA).

° On August 27, the district court for the southern district of Florida granted a preliminary injunction in Haitian Refugee Center, Inc., et al. v. Alan C. Nelson. The court found that Special Agricultural Worker (SAW) applicants have been improperly denied in that the aliens were not provided specific reasons for denial, an opportunity to examine and rebut adverse information, and correct procedures for appeal. Accordingly, all denied I-700 applications filed in Florida, Alabama, or Georgia were ordered to be reviewed.

Recent Developments

HOUSE PASSES GENERIC SAFE HAVEN BILL

The House of Representatives passed legislation on October 5 that would set forth criteria by which the Attorney General can grant temporary safe haven to nationals of countries experiencing armed conflict or other dangerous conditions. (See Refugee Reports, Vol. VIII, No. 11, for coverage of the hearings on this bill.)

H.R. 4379, the Temporary Safe Haven Act of 1988, would remove from the Attorney General his present powers to grant extended voluntary departure (EVD), a temporary withholding of deportation which, since 1977, has been granted administratively to Ethiopians, Ugandans, Poles, Afghans, Iranians, and Nicaraguans (see Refugee Reports, Vol. VIII, No. 7). In its place, the bill establishes three criteria for "authorization to remain temporarily" (ART):

1) physical danger to the alien due to armed conflict in the homeland;

2) environmental disaster in the homeland; or

3) U.S. national interest, taking into account international, humanitarian, and immigration concerns.

The bill passed the House by a voice vote. There is no companion bill in the Senate, however, so there is virtually no chance that of it becoming law during this session of Congress. Sen. Edward M. Kennedy (D-Mass.) is drafting language for a temporary safe haven bill to be introduced in the Senate in the next session of Congress, according to congressional staff sources.

The author of the House-passed bill, Rep. Romano L. Mazzoli (D-Ky.), chairman of the House subcommittee on Immigration, Refugees, and International Law, said that the bill fills a gap in the 1980 Refugee Act. He said that aliens who can demonstrate a well-founded fear of persecution can be granted asylum on an individual basis under existing law. "On the other hand," he said, "an undocumented alien who is in the United States illegally, even one who is fleeing war, disaster, famine, and the like, has no ground to remain in the United States and must be deported."

Mazzoli said, "Current law is all or nothing at all. The Judiciary Committee felt there should be a middle ground."

Mazzoli went on to criticize the current practice of granting EVD on an ad hoc basis. Although an attempt to answer "an obvious and ongoing need," Mazzoli said that EVD "has only the shakiest of legislative foundations, and indeed is outside the scope of current law."

EVD grants are currently made, extended, or terminated without guidelines, the decisions are not publicized, and no explanations are given for EVD decisions, according to Mazzoli. "For example," he said, "in 1987 when EVD was extended for Poles the action was accomplished by means of an internal directive to Immigration Service offices. No notification or explanation accompanied the action."

The House bill received strong bipartisan support. Republican speakers in favor of the bill uniformly couched their support of it in terms of their opposition to the Moakley/DeConcini bill, which calls for a temporary suspension of deportation for Nicaraguans and Salvadorans.

Rep. Hamilton Fish, Jr. (R-N.Y.), ranking minority member of the House Judiciary Committee, said, "I believe the bill under consideration makes much more sense than granting a stay of deportation for El Salvador or Nicaragua only, pending completion of the GAO report, or granting administrative EVD to Polish nationals every six months."

Rep. Patrick L. Swindall (R-Ga.), ranking minority member of the Immigration, Refugees, and International Law subcommittee, said, "To give the Salvadorans and Nicaraguans living and working here a free pass undermines the new immigration law, intended to discourage sneaking into the country. In addition, the [Moakley/DeConcini] bill stops at those two groups and does not address the plight of the others whose plea for emergency protection fails to win administration or congressional sympathy."

Swindall said, "H.R. 4379 provides an alternative to this ad hoc approach by establishing a statutory framework for all situations where temporary refuge is sought for foreign nationals whose country faces temporary chaos and establishes the conditions of their stay while they live in the

United States."

The Moakley/DeConcini bill, which has also passed the House, could be attached as an amendment to the Refugee Assistance Reauthorization Act in the Senate before the current session ends. Congressional staff say that the prospect of a Moakley/DeConcini amendment has, thus far, held up passage of legislation to reauthorize the Refugee Act.

Current Research

(Below is an excerpt of a report issued in September by the U.S. Committee for Refugees on the U.S. government's problem-ridden humanitarian parole program to help Cambodians on the Thai/Cambodian border rejoin their families here. The report was written by Court Robinson, Refugee Reports staff writer, and Arthur Wallenstein. In the Senate refugee consultation on September 13, Senator Edward M. Kennedy (D-Mass.) cited the report and requested that the Immigration and Naturalization Service respond in writing to its recommendations.

The report contains an extensive set of appendices useful to those in the process of sponsoring a Cambodian to enter the U.S. under the program. Copies are available for $3.00 from The U.S. Committee for Refugees, 1025 Vermont Avenue, NW, Suite 920, Washington, DC 20005.)

Unfulfilled Hopes: The Humanitarian Parole/Immigrant Visa Program for Border Cambodians

Case of Youeth Yan--Thirty-two-year-old man living in the United States since March 1987. His mother, Poon Seurn, and his two younger sisters are living in Site 2. Youeth must wait four years to become a U.S. citizen before he can petition for immigrant visas for his three family members.

Case of Vyra Som--Thirty-three-year-old woman living in Site 2. Mother deceased, father still in Cambodia. Vyra has been hospitalized multiple times for severe bronchial asthma. Application filed for humanitarian parole for compelling medical/humanitarian reasons.

Case of Yim Chann--Sixty-nine-year-old woman. Husband killed by Khmer Rouge. She was separated from her sons in 1979. Lived in the border camp, Nong Samet, until December 1984. Moved to Khao I Dang, then was transferred to Site 2 South. Humanitarian parole application for family reunification was filed and denied in 1985, then approved upon reconsideration in 1986. Reunited with her sons, their wives, and her grandchildren in the United States in July 1987.

* * *

The cases above bear witness to the thousands of Cambodian families divided by the tragedy and destruction that has befallen the Cambodian nation in the last eighteen years. From 1970 to 1975, Cambodia fought a bloody civil war, whose ferocity was intensified both by U.S. saturation bombing of the countryside and by extensive Vietnamese assistance to the Cambodian communist forces. Under the brutal rule of the Khmer Rouge from 1975 to 1979, during which more than one million Cambodians perished, families were torn apart and marched off to collectives. When the Vietnamese invaded the country in 1979, driving out Pol Pot and establishing a new communist regime, some fled immediately to the border. Others were driven there later by famine, persecution, or a desire to reunite with relatives. Families are still coming back together, still following rumors, seeking loved ones.

There are 300,000 Cambodians living just inside the Thai border who have been designated "displaced persons" rather than "refugees", despite the fact that they are now outside their country in extremely vulnerable circumstances. As such, they are prohibited from seeking third-country resettlement, except on a very limited basis. Many of them have lived on the border since 1980, sometimes in Thailand and sometimes in Cambodia, caught in the crossfire between Vietnamese troops occupying Cambodia and the resistance forces seeking to drive the Vietnamese out.

The United States Creates a New U.S. Program to Reunite Cambodian Families

In September 1985, the U.S. government announced a program that would allow Cambodians in the United States to petition for

family reunification with relatives on the Thai-Cambodian border who, by an unfortunate twist of fate and timing, were not allowed to seek resettlement as refugees. Despite three years of time-consuming policy deliberations and painstaking casework, fewer than 700 people have actually entered the United States by way of this initiative.

The limited program to process Cambodians from the border included those eligible for immigrant visas (IVs), who would need to meet all normal immigrant processing criteria, including the requirement to demonstrate that they are not likely to become "public charges." Visas 93 cases--i.e., the spouses and unmarried minor children of refugees in the United States, would be processed "in the normal fashion" as refugees, with full refugee benefits, including travel loans and overseas language training and orientation.

Regarding humanitarian parole cases, the government stated, "INS Central Office will be willing to consider any individual cases which the District Director of INS considers appropriate to recommend for parole, where there is an immediate and compelling need for family reunification or for keeping a family intact."

Those who enter the U.S. under humanitarian parole are not eligible for standard refugee benefits. Those who request such parole must include affidavits of support, as well as statements showing how medical and housing needs will be met, and "sponsors also must indicate knowledge of the unavailability of standard refugee benefits for the prospective parole beneficiary."

The U.S. government ultimately identified three groups of Cambodians for "favorable" humanitarian parole consideration by the U.S. Immigration and Naturalization Service:

HP 1 - Beneficiaries of noncurrent immigrant visa petitions.

HP 2 - Dependent extended family members of current and noncurrent IV beneficiaries and Visas 93 cases.

HP 3 - Other parole requests which are emergent or in the public interest.

From January 1986 to August 17, 1988, the following numbers of individuals were approved, denied, and/or entered the U.S.:

Individuals approved by the U.S.

Immigrant Visas	238
HP1	777
HP2	62
HP3	11
TOTAL	1,088

Individuals denied by the U.S.

Immigrant Visas	51
HP1	8
HP2	4
HP3	47
TOTAL	110

Individuals entering the U.S.

Immigrant Visas	174
HP1	472
HP2	24
HP3	19
TOTAL	689

There are, in addition, about six cases (14 individuals) where a decision is still pending. More than 160 people still have not been located for interviewing, and another 127 have been located, but not yet interviewed.

Program Ultimately Fails to Meet Expectations The Humanitarian Parole/Immigrant Visa (HP/IV) program for border Cambodians has raised more expectations than it has fulfilled, and the fault for this must be shared by the Thai and U.S. governments. Access to families on the border has been severely restricted until recently. Guidelines that could be more generous have been too narrowly articulated. Information on the program has been poorly disseminated, and the application process is painfully slow. Despite these very real problems, and the lack of priority accorded to solving them, the program still holds out some hope as an escape valve for at least a small number of Cambodians who now remain trapped and vulnerable in the dangerous border camps.

The successes and failures of the program should be studied by U.S. policymakers as they weigh the merits of possible new uses for humanitarian parole.

The following are a series of recommen-

dations for improving this fragile--and extremely important--mechanism for assisting Cambodians.

1. Up until November 1987, lack of access to applicants was the single most intractable problem in the border program. At that time, over 1,000 cases were awaiting interviews at the border or in Khao I Dang refugee camp, and the HP/IV program was at a virtual standstill. Since that time, the Thai government has been more responsive to requests for interviews, but the application process is still extraordinarily time-consuming. Indeed, from the time a petition is submitted to the time a final approval or rejection is made, the application process has taken an average of two years to complete. This is far too long, given the dangerous and demoralizing environment in which Cambodians must wait.

Two particular changes in processing procedures could save up to a year or more in delays:

a. The Thai government should allow approved cases to remain in Ban Thai Samart after they are interviewed, rather than returning them to the border or to Khao I Dang. It currently takes anywhere from one week to one year to obtain Thai permission to move approved cases from the border camps to Phanat Nikhom for medical examinations and final processing.

b. The Immigration and Naturalization Service (INS) should agree to receive all HP and IV petitions directly in Bangkok, rather than processing most of them through INS district offices in the United States. Such a procedure, already in place for HP3 applications, could save at least two months.

2. INS should articulate and disseminate clearer guidelines for determining "emergent reasons" in the granting of humanitarian parole status. In HP3 cases, where a family relationship in the United States is either nonexistent or too distant to qualify for an immigrant visa, parole is granted solely "for emergent reasons or for reasons deemed strictly in the public interest," according to the Immigration and Nationality Act. Apart from family reunification criteria, INS is willing to cite only three conditions--extreme age, extreme youth, or serious medical problems that cannot be treated locally--that would warrant sympathetic treatment for humanitarian parole.

3. Voluntary agencies and mutual assistance associations (MAAs) should undertake more extensive outreach work in the United States, ideally with some government support, to promote Cambodian naturalization and citizenship, and to better publicize the HP/IV program. The small number of applications in part reflects a less than adequate outreach effort in the United States.

4. Embassy staff in Bangkok need to establish routine communication with petitioners, relating to the status of HP or IV applications. Monthly statistical reports should be shared with selected private voluntary organizations and individual petitioners.

5. Finally, the HP/IV program for border Cambodians should be accorded a higher priority--particularly on the part of the Administration, but also on the part of voluntary resettlement agencies and MAAs. The lack of refugee benefits for HP/IV beneficiaries should not deter agencies or individuals from a more aggressive use of this program. Working in closer cooperation with the Thai government and with petitioners at home, the U.S. government must demonstrate a greater commitment to preserve migration opportunities for border Cambodians by streamlining procedures, clarifying and publicizing program guidelines, and eliminating any and all unnecessary delays.

Resources

AMNESTY INTERNATIONAL SURVEYS RIGHTS VIOLATIONS WORLDWIDE

An "ugly picture" was unveiled on October 4. On that day, Amnesty International released its annual report of human rights violations in 135 countries. The report shows that during 1987 prisoners of conscience were held in at least 80 countries, that torture

or ill-treatment was reported in at least 90, and that more than 120 states have written into their laws the right to execute people. Many countries have also resorted to more covert, but deadly, forms of repression.

"To avoid the threat of public exposure," says the report, "security forces resort to methods of abuse which are hard to document and designed to obscure who is to blame. Clandestine forces step up their work in Chile; so-called 'death squads' composed of police and military operate in plainclothes in El Salvador; government-backed 'vigilante' groups surface in the Philippines; and more and more killing takes place in rural militarized zones in Afghanistan."

Amnesty International points out that the growing refugee population worldwide is a reflection of the failure to stop massive human rights violations. The report says that "growing numbers of people [are] seeking protection not in international documents, but in fleeing to countries that offer them the chance of survival." However, AI notes, "whatever their rhetoric on human rights, many governments are sending people back to places where they face real threats of imprisonment, torture or death."

Amnesty International Report: 1988 is available for $10, plus $1.25 for shipping, from Amnesty International USA, National Office, Publications Department, 322 Eighth Avenue, New York, NY 10001.

DESTINATION OF SOVIET JEWS ANALYZED

The American Jewish Committee, in July, issued a report on the controversy surrounding the destination of Jews emigrating from the Soviet Union.

Soviet Jewish Emigration: The Controversy Over Destination, by David A. Harris, explains the historical context of the "drop-out" phenomenon, by which Soviet Jews with visas to Israel opt to resettle in the United States or other countries after arriving in Vienna, instead of proceeding to Israel. He discusses the varying views on the subject, presenting both the idea that emigrating Jews should be accorded freedom of choice as to their destination, as well as the view that the "drop out" phenomenon weakens Israel, which is heavily dependent on Jewish immigration.

Harris presents the positions of the various governments with respect to the Israeli plan to bypass Vienna with "direct flights" to Israel through Bucharest (see Refugee Reports, Vol. IX, No. 7). He assesses future prospects by discussing the various obstacles to the Israeli effort that could come about by any of the major or minor players.

Harris writes, "The jury is still out on whether the plan will ever effectively be implemented and, if so, if it actually will shift emigration towards Israel."

The 26-page report includes statistics and a chronology. Single copies can be ordered for $3 from the American Jewish Committee, Institute on Human Relations, 165 East 56 St., New York, NY 10022-2746.

Reader Exchange

Ed Caturla is asking our readers if anyone has submitted to the INS and/or has adjudicated a waiver of excludability pursuant to the provision of section 208, INA, Refugee Act of 1980, (Form I-602), in conjunction with an application for permanent residency under the provision of the Indochinese Adjustment Act PL 95-145 (1977), or the Cuban Adjustment Act PL 89-732 (1966), as jointly amended by section 203(3), of the Refugee Act of 1980. If you can help, please call him at (305) 751-4945 (person-to-person collect calls will be accepted) or send a copy of pertinent information to Caturla & Caturla, 6301 Biscayne Blvd., Suite 202, Miami, FL 33138.

Meetings and Conferences

"Health Care for Displaced Persons and Refugees: An International Symposium" will be held on December 4-7, 1988 at Georgetown University Medical Center in Washington, DC. The symposium, sponsored by several agencies, will bring refugee health providers together with public health experts to address major areas of concern in caring for refugees. For information, write Georgetown University Medical Center--Box 31, 3900 Reservoir Road, NW, Washington, DC 20007.

	Actual Admissions													Estimated	
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	Admissions 1988	1989 Ceiling
E. ASIA	135,000	15,000	7,000	20,574	76,521	163,799	131,139	73,522	39,408	51,960	49,970	45,454	40,112	28,000 7,000(ODP)	28,000 25,000(ODP)
E. EUROPE	1,947	1,756	1,755	2,245	3,393	5,025	6,704	10,780	12,083	10,285	9,350	8,713	8,606		
SOVIET UNION	6,211	7,450	8,191	10,688	24,449	28,444	13,444	2,756	1,409	715	640	787	3,694	27,000	24,500
LATIN AMERICA	3,000	3,000	3,000	3,000	7,000	6,662	2,017	602	668	160	138	173	315	2,800	3,500
AFRICA	0	0	0	0	0	955	2,119	3,326	2,648	2,747	1,953	1,315	1,994	1,500	2,000
NEAR EAST/ SOUTH ASIA	0	0	0	0	0	2,231	3,829	6,369	5,465	5,246	5,994	5,998	10,107	8,500	7,000
TOTALS	146,158	27,206	19,946	36,507	111,363	207,116	159,252	97,355	61,681	71,113	68,045	62,440	64,828	75,450	90,000 + 4,000* 94,000

*Admissions ceilings since FY 87 have included an unallocated reserve for "contingent refugee admission needs," to be used only after consultation with Congress, and only to the extent that private sector funding is available to support admissions using the reserve.

Source: U.S. Department of State.

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